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10/603,615	06/26/2003	Fumito Takemoto	Q76221	2208

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EXAMINER	
CARTER, AARON W	

ART UNIT	PAPER NUMBER
2624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/603,615	TAKEMOTO, FUMITO	
	Examiner	Art Unit	
	AARON W. CARTER	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/1/08 has been entered. Claims 21-24 have been added.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3, 5 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 12, 13, 15 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2002/0048413 to Kusunoki.

As to claim 1, Kusunoki discloses an image data processing method for a portable terminal apparatus comprising:

Obtaining first image data by photography (*Fig. 1, elements 13-15, paragraph 38 and 39, and Fig. 11, wherein image data obtained by photography is collected by the image input devices elements 13-15, which correspond to portable terminal apparatuses*);

Transmitting the obtained image data (*Fig. 11 and paragraph 104, wherein image data collected by the selected image input device is transmitted to the personal computer*);

Administering image processes on the first image data to obtain processed image data (*Fig. 11 and paragraphs 107 and 110, wherein the user selects a portion of the image which is cropped according to the user selection*);

Combining other image data transmitted by other portable terminal apparatuses with the first image data to obtain synthesized image (*Fig. 11 and paragraphs 111, 112 and 116, wherein other image data maybe transmitted from any one of the other input image device, which correspond to other portable terminal apparatuses and combined with the first image data to create a synthesized image*); and

Displaying the synthesized image (*Fig. 11 and paragraph 116*),

Wherein said administering of image processes comprises a user selecting a portion of the first image data and cutting the first image data to obtain the processed image data

comprising the selected portion of the first image data (*Fig. 11 and paragraphs 107 and 110, wherein the user selects a portion of the image which is cropped according to the user selection*).

As to claim 2, Kusunoki discloses an image data processing method as defined in claim 1, wherein the synthesized image data is obtained by cutting a portion of images representing the other image data and a portion of an image representing the first image data to match the size of a display displaying the synthesized image (*paragraphs 107, wherein cutting images to match the aspect ratio of the template being displayed corresponds to matching the size of a display displaying the synthesized image*).

As to claim 3, please refer to the rejection of claim 1 above.

As to claim 4, please refer to the rejection of claim 1 above.

As to claim 5, please refer to the rejection of claim 1 above.

As to claim 6, please refer to the rejection of claim 1 above.

As to claim 7, Kusunoki discloses the image data processing method as defined in claim 1, wherein said combining comprises:

Obtaining first user input designating a portion of the first image data that is to be kept (*paragraphs 107 and 110*);

Cutting the remaining of the first image based on the first user input (*paragraphs 107 and 110*);

Obtaining second user input designating a portion of the other image data that is to be kept (*paragraphs 107, 110, 111 and 114*);

Cutting the remaining other image data based on the second user input (*paragraphs 111 and 114)*; and

Synthesizing the portion first image and the portion of the second image into a single synthesized image based on third user input (*paragraphs 114 and 116).*

As to claim 8, Kusunoki disclose the image data processing method as defined in claim 1, wherein the other image data is obtained by photography performed by the other portable terminal apparatuses (*paragraphs 107, 110, 111 and 114*).

As to claim 9, Kusunoki disclose the image data processing method as defined in claim 1, wherein the first image data and other image data are still images (*paragraph 38 and 39).*

As to claim 12, Kusunoki disclose the image data processing method as defined in claim 1, wherein the obtaining of the first image data and the combining of the first image data with the other image data is performed in same portable terminal apparatus (*Fig. 1, element 12*).

As to claim 13, Kusunoki discloses a system for image data processing in portable terminals comprising:

A first portable terminal which obtains first image data (*Fig. 1, elements 13-15, paragraph 38 and 39, and Fig. 11, wherein image data obtained by photography is collected by*

the image input devices elements 13-15, which correspond to portable terminal apparatuses); and

A second portable terminal which receives the first image data (*Fig. 11 and paragraph 104, wherein image data collected by the selected image input device is transmitted to the personal computer corresponding to a second portable terminal*), obtains a second image data, combines the first image data and the second image data to obtain synthesized image data (*Fig. 11 and paragraphs 111, 112 and 116, wherein other image data maybe transmitted from any one of the other input image device, which correspond to other portable terminal apparatuses and combined with the first image data to create a synthesized image*), and displays the synthesized data on a display of the second portable terminal (*Fig. 11 and paragraph 116*),

Wherein the second portable terminal requests a user to select a portion of the first image data and cuts the first image data to obtain the selected portion of the first image data for the combining (*Fig. 11 and paragraphs 107 and 110, wherein the user selects a portion of the image which is cropped according to the user selection*).

As to claim 15, Kusunoki discloses the image data processing system as defined in claim 13, wherein the second portable terminal comprises a processing module for processing the second image, said processing comprises at least one of density correction, white balance adjustment, gradation correction, color correction, enlargement, and sharpness correction (*paragraphs 111, 112 and 116*).

As to claim 21, Kusunoki discloses the method as defined in claim 1, further comprising:

the user selecting the portion of the first image data via a trimming frame user interface on the portable terminal apparatus (*paragraphs 106 and 107*);

cutting, by the portable terminal apparatus, the first image data to obtain a new first image comprising only the user selected portion of the first image data (*paragraph 110*);

the user selecting a portion of the other image data received by the portable terminal apparatus from one of the other portable terminal apparatuses via the trimming frame user interface (*paragraph 111 and 114*);

cutting, by the portable terminal apparatus, the other image data to obtain a new second image comprising only the user selected portion of the other image data (*paragraph 111 and 114*);

obtaining a single synthesized image by combining the new first image with the new second image (*paragraph 116*).

As to claim 22, Kusunoki discloses the method as defined in claim 21, wherein the single synthesized image is transmitted to at least one of the other portable terminal apparatuses (*paragraph 116 and 117*).

As to claim 23, Kusunoki discloses the method as defined in claim 21, wherein the single synthesized image is printed (*paragraph 117*).

As to claim 24, Kusunoki discloses the method as defined in claim 1, wherein the synthesized image is transmitted to the other portable terminal apparatuses (*paragraphs 116 and 117*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunoki in view of US 2006/0125927 to Watanabe.

As to claim 10, Kusunoki discloses the image data processing method as defined in claim 1.

Kusunoki does not disclose expressly receiving user input designating intended use for the obtained first image and generating location data based on the user input, wherein the location data designates a location for performing the image processes, wherein different image processes are performed at different locations.

However, Watanabe discloses an image data processing method comprising receiving user input designating intended use for the obtained first image (*Fig. 6 and 7 and paragraphs 115-117*) and generating location data based on the user input, wherein the location data

designates a location for performing the image processes, wherein different image processes are performed at different locations (*Figs 9 and paragraph 121, Fig. 23 and paragraph 201, wherein location data of the image processes corresponds to the phone number of the other cell phone or the initiation of communication with the printer*).

Kusunoki & Watanabe are combinable because they are from the same art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the process of receiving user input and generating location data, as taught by Watanabe, with the image data processing method disclosed by Kusunoki.

The suggestion/motivation for doing so would have been to provide a process of transmitting image data in a relatively short period of time (*Watanabe, paragraph 9*).

Therefore, it would have been obvious to combine Kusunoki with Watanabe to obtain the invention as specified in claim 10.

As to claim 11, the combination of Kusunoki and Watanabe disclose the image data processing method as defined in claim 10, wherein the different locations comprise the portable terminal apparatuses *(Watanabe, Figs 9 and paragraph 121)*, an image server remote from the portable terminal apparatuses (*Watanabe, paragraphs 122, 125 and 126, wherein the digital still camera corresponds to the image server remote from the portable terminal apparatuses*), and a printing laboratory remote from the image server and the portable terminal apparatuses (*Watanabe, Fig. 23 and paragraph 201)*.

7. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunoki.

As to claim 14, Kusunoki discloses the image data processing system as defined in claim 13.

Kusunoki does not disclose expressly wherein the second image data is obtained by a camera built into the second portable terminal.

It is well known in the art of electrical engineering that the a personal computer may have a built in camera. Therefor the Examiner takes Official Notice that at the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a built in camera in the second portable terminal disclosed by Kusunoki, which is a personal computer.

As to claim 20, Kusunoki discloses the image data processing system as defined in claim 13.

Kusunoki does not disclose expressly wherein the first and second portable terminal apparatuses are cellular telephones.

It is well known in the art of electrical engineering that the a cellular telephone can comprise the same computational power of a person computer. Therefor the Examiner takes Official Notice that at the time of the invention, it would have been obvious to a person of ordinary skill in the art to use a cellular telephone in place of the personal computer disclosed by Kusunoki.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunoki in view of US 2003/0140104 to Watanabe et al. ("Watanabe").

As to claim 16, Kusunoki discloses the image data processing system as defined in claim 13, further comprising an image server, wherein the image server comprises a communication module that transmits and receive image data from the first and second portable terminal apparatuses and a processing module that processes the received image data (*Fig. 1, element 12 and paragraphs 33-35, wherein the PC corresponds to an image server*).

Kusunoki does not disclose expressly a location generating module that generates an URL location indicating where the received image data is stored, and an email generating module that generates an email message having the generated URL location for the received image data.

However, Watanabe discloses a system for image data processing including a location generating module that generates an URL location indicating where the received image data is stored, and an email generating module that generates an email message having the generated URL location for the received image data (*paragraph 47 and 48*).

Kusunoki & Watanabe are combinable because they are from art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the location generating module and email generating module, as taught by Watanabe, to the system for image data processing disclosed by Kusunoki.

The suggestion/motivation for doing so would have been to save transmission costs of email attached with image and to save memory resource (*Watanabe, paragraph 5*).

Therefore, it would have been obvious to combine Kusunoki with Watanabe to obtain the invention as specified in claim 16.

9. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunoki and Watanabe in view of USPN 6,519,048 to Tanaka.

As to claim 17, the combination of Kusunoki and Watanabe discloses the image data processing system as defined in claim 16.

The combination of Kusunoki and Watanabe does not disclose expressly a printing laboratory, wherein the printing laboratory comprises a communication module that transmits and receives image data from the first and second portable terminal apparatuses, and a notifying module that notifies at least one of the first and second portable terminal apparatuses when the received image data is printed.

However, Tanaka discloses an image data processing system including a printing laboratory, wherein the printing laboratory comprises a communication module that transmits and receives image data from the first and second portable terminal apparatuses, and a notifying module that notifies at least one of the first and second portable terminal apparatuses when the received image data is printed (*column 4, lines 11-30 and column 6, line 66 – column 7, line 17*).

Kusunoki, Watanabe & Tanaka are combinable because they are from the same art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the printing laboratory, as taught by Tanaka, with the image data processing system disclosed by Kusunoki and Watanabe.

The suggestion/motivation for doing so would have been to provide an information processing apparatus in which an output result of a print or the like can be promptly, easily, and visually confirmed on a issuer of a job such as a print or the like (*Tanaka, column 2, lines 32-36*).

Therefore, it would have been obvious to combine Kusunoki and Watanabe with Tanaka to obtain the invention as specified in claim 17.

As to claim 18, the combination of Kusunoki, Watanabe and Tanaka disclose the image data processing system as defined in claim 17, wherein each of the first and second portable terminal apparatuses and the printing laboratory comprises a download module that reads the email message generated by the image server and obtains the URL location from the email message and downloads image data designated by the URL location (*Watanabe, paragraph 29 and Tanaka, column 10, lines 3-8*).

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunoki, Watanabe and Tanaka in view of US 2006/0125927 to Watanabe ("Watanabe2").

As to claim 19, the combination of Kusunoki, Watanabe and Tanaka discloses the image data processing system as defined in claim 18, wherein each of the first and second portable terminal apparatuses comprises an input module that receives user input (*Kusunoki, paragraph 36*).

The combination Kusunoki, Watanabe and Tanaka does not disclose expressly wherein the user input comprises designating intended use for a respective image data from the first and second image data, and wherein, based on the designated intended use, one of the processing modules of the respective portable terminal apparatus, the image server, and the printing laboratory processes the respective image data.

However, Watanabe2 discloses an image data processing system wherein portable terminal apparatuses comprise an input module that receives user input (*Fig. 6 and 7 and paragraphs 115-117*), and wherein the user input comprises designating intended use for a respective image data, and wherein, based on the designated intended use, one of the processing modules of the respective portable terminal apparatus, the image server, and the printing laboratory processes the respective image data (*Fig. 6 and 7 and paragraphs 115-117, 121, 122, 125, 126, 196 and 201*).

Kusunoki, Watanabe, Tanaka & Watanabe2 are combinable because they are from the same art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the process of designating intended use for image data in accordance with user input, as taught by Watanabe2, with the image data processing system disclosed by the combination of Kusunoki, Watanabe and Tanaka.

The suggestion/motivation for doing so would have been to provide a process of transmitting image data in a relatively short period of time (*Watanabe2, paragraph 9*).

Therefore, it would have been obvious to combine Kusunoki, Watanabe and Tanaka with Watanabe2 to obtain the invention as specified in claim 19.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON W. CARTER whose telephone number is (571)272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron W Carter/
Primary Examiner, Art Unit 2624